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Applicant: Edward W. Stark

Examiner: R.A. Rosenberger

FEB 02 2006

Serial No. 08/818,289

Group Art Unit: 2877

Filed: March 14, 1997

Docket No. 653.001US1

Title: METHOD AND APPARATUS FOR OPTICAL INTERACTANCE AND
TRANSMITTANCE MEASUREMENTS**MAIL STOP PETITION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR 1.137(b)

Dear Sir/Madam:

FACTUAL BACKGROUND

- 1) A Notice of Allowance and Issue Fee Due was mailed by the U.S. Patent and Trademark Office on July 30, 2003, with a due date for payment of the Issue Fee identified on the Notice of Allowance as October 30, 2003. There was a note on the Notice of Allowability that corrected drawings were to be submitted.
- 2) Attorney for Applicant signed the transmittal documents for the Payment of the Issue Fee, provided a transmittal cover sheet for transmittal of the documents, submitted the formal documents with a transmittal sheet to the draftsman, authorized payment of the issue fee in a separate document, and included a return postcard identifying all of these documents.
- 3) All documents described in paragraph 2) above were mailed with a certification of mailing under 37 C.F.R. 1.8 with a mailing date of October 24, 2003..
- 4) The return postcard was returned to Attorney for Applicants with a date of receipt in the U.S. Patent and Trademark Office of October 27, 2003, which date is consistent with the mailing date of October 24, 2003, as October 25 and 26 were a Saturday and a Sunday, respectively, when the US Patent and Trademark Office was closed.

- 5) On December 15, 2003, the U.S. Patent and Trademark Office mailed a Notice of Abandonment on the Application, indicating that Applicant failed to file new corrected drawings on or before paying the required Issue Fee.
- 6) As the documents included with this Petition clearly shows that all formalities with the inadvertent exception of the formal drawings for this Application were timely performed by Attorney for Applicants and timely received by the U.S. Patent and Trademark Office, the Abandonment of this Application is clearly in error, was inadvertent and/or unintentional, and should be accepted at this time.
- 8) Applicants, through their Attorney of Record, hereby petition to have the Application issued as a U.S. Patent, and to have the Abandonment withdrawn.
- 9) The fee required for a petition to revive an unintentionally abandoned application under 1.17(m), the amount set forth of \$665.00 (small entity applies), is hereby authorized to be withdrawn from Attorney's Deposit Account No. 50-1391.

The required reply in this application, in addition to paying the Issue fee, was submitting new corrected drawings, which are respectfully submitted at this time. An Amendment and Response are also being respectfully submitted at this time. As the corrected drawings have now been submitted, the Application should be re-opened.

Applicants hereby petition to revive the application due to the fact that the delay in filing the response to the Office Action causing by the abandonment of the application was unintentional and/or inadvertent, and was the sole responsibility of the U.S. Patent and Trademark Office.

The contact person is invited to telephone Applicant's attorney (952) 832-9090 if necessary. If necessary please charge any additional fees to Deposit Account No. 50-1391 for the petition for revive unintentional abandonment under 37 CFR 1.137(b).

Respectfully submitted,

EDWARD W. STARK

By His Representatives,

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Date: 12 January 2004

By Mark A. Litman
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 12 January 2004

Mark A. Litman
Name

Mark A. Litman
Signature